

98TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES { REPT. 98-88
Part 2

RESOLUTION OF INQUIRY WITH RESPECT TO UNITED STATES ACTIVITIES IN HONDURAS AND NICARAGUA

MAY 5, 1983.—Ordered to be printed

Mr. BOLAND, from the Permanent Select Committee on Intelligence, submitted the following

ADVERSE REPORT

[To accompany H. Res. 159 which on April 13, 1983, was referred jointly to the Committees on Armed Services, Foreign Affairs, and Permanent Select Committee on Intelligence]

The Permanent Select Committee on Intelligence, to whom was referred the resolution (H. Res. 159) directing the President to furnish certain information to the House of Representatives with respect to U.S. activities in Honduras and Nicaragua, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

SUMMARY OF THE RESOLUTION

The resolution would require the President to provide the House with any documents detailing:

- (1) U.S. military reconnaissance sorties over Honduras and from March 9, 1981, through April 15, 1983;
- (2) The type, recipients and present location and deposition of military weapons and equipment furnished from March 9, 1981, to April 15, 1983, by the United States to Honduras or any group or individual in Honduras;
- (3) Estimates of the numbers, time, location, and military unit of casualties incurred by Honduras and Nicaragua from November 1, 1982, through April 15, 1983;
- (4) Costs of U.S. reconnaissance activities in or over Honduras and Nicaragua from March 9, 1981, through April 15, 1983;
- (5) Costs of U.S. supply of military weapons, equipment, training, advice or other material or financial support to Honduras or individuals or groups in Honduras from March 9, 1981, through April 15, 1983;
- (6) Names of U.S. officials who approved reconnaissance activities in or over Honduras or Nicaragua, or the provision of military weapons and equipment to Honduras or to any group of

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individual in Honduras from March 9, 1981, through April 15, 1983;

(7) Approval of the furnishing of military weapons and equipment to Honduras or to any individual or group in Honduras and discussions of the application of section 793 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377);

(8) Approval or disapproval of the furnishing of military weapons and equipment to any group or individual to be used in or against Nicaragua, including the persons giving approval, the purposes or possible effects, especially whether they were furnished for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras; and

(9) Names of executive branch officials, Members of Congress or other persons who received information about the use of intelligence gathered by reconnaissance in and over Honduras and Nicaragua and about the use or disposition of military weapons and equipment furnished to Honduras or to groups or individuals in Honduras, including those no longer in the possession of Honduras or the control of the United States.

COMMITTEE CONSIDERATION

House Resolution 159 was introduced on April 13, 1983, by Mr. Harkin and 62 other Members of the House. The resolution was referred jointly to the Committees on Armed Services and Foreign Affairs and to the Permanent Select Committee on Intelligence.

On April 19, 1983, the chairman of the committee wrote to the President requesting his views on the resolution. On April 27, 1983, the Honorable Powell A. Moore, Assistant Secretary of State for Congressional Relations, replying for the administration, stated that:

Meeting congressional information needs under the current, statutory arrangement is preferable to passage of individual resolutions concerning the furnishing of sensitive intelligence information. House Resolution 159, therefore, would appear to be both unnecessary and potentially disruptive to an established system of information sharing that has proven to be mutually beneficial to the executive and legislative branches of our Government. Thus, it is the view of the administration that House Resolution 159 should not be adopted.

The statutory scheme for providing information to Congress concerning intelligence activities is found in section 501 of the National Security Act of 1947 (50 U.S.C. 413) and in section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422), which require that "significant anticipated intelligence activities" be reported to the intelligence committees of the House and Senate. These provisions provide the intelligence committees with comprehensive oversight of all intelligence collection, analysis and reporting as well as all covert action operations; that is, those activities undertaken to covertly

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influence individuals, events and nations abroad in support of the foreign policy of the United States. The intelligence oversight statutes do not affect the jurisdiction of other House committees, including the Committees on Armed Services and Foreign Affairs, but briefings on covert action operations required by these laws are given only to the two intelligence committees.

The committee met on May 3, 1983, to consider the resolution. During its consideration the committee also reviewed its response to previous requests from individual Members of the House for access to information in committee files on central America. The committee had determined on April 28 that it would seek a secret session of the House to discuss intelligence activities in central America. The committee had decided at that time to respond by denying the requests before it but indicating that the committee would make a report to the House in the secret session addressing those questions raised by the requests for access to its file.

After discussing House Resolution 159 in its May 3, 1983, meeting, and in light of its determination to request a secret session, the committee reached the decision that it should seek to address those matters enumerated in the resolution by discussion in that secret session. The committee felt this was a better means of reporting to the House because the committee was in possession of information bearing on the matters enumerated in the resolution, because its report would be comprehensive in scope—not being limited to documents—and because it anticipated making recommendations to the House bearing on the subject matter of the resolution at the time of the secret session.

Such a recommendation was later adopted by the committee in its deliberations on May 3, 1983. The committee adopted and ordered reported with amendments H.R. 2760. This bill, which has also been referred to the Committee on Foreign Affairs, would prohibit the use of U.S. intelligence funds for military or paramilitary operations in Nicaragua in fiscal years 1983 and 1984 and would authorize the appropriation of U.S. assistance in those years to friendly central American nations to prevent the use of their territory for arms shipments to insurgents seeking the overthrow of other governments in the region.

The committee has concluded that a report to the House in secret session has the advantages of offering Members of the House the facts sought by the resolution in the context of an explanation of intelligence activities in the region and a recommendation with respect to such activities. Accordingly, the committee recommends disapproval of House Resolution 159.

COMMITTEE POSITION

On May 3, 1983, the Permanent Select Committee on Intelligence, a quorum being present, disapproved House Resolution 159 and ordered it unfavorably reported by unanimous voice vote.

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